IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.48625 of 2008
PHIKANI DEVI
Versus
STATE OF BIHAR
For the petitioner : Mr. B.K. Mishra, Advocate
For the State : Mr. Upendra Kumar, APP
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2 18.12.2008 Heard.

The petitioner is a lady, She is a Mukhiya of Gram Panchayat Raj Lachhanauta. She seeks bail in a case instituted under sections 420 and 379 of Indian Penal Code.

As per allegation made in the F.I.R., the petitioner is said to have fraudulently withdrawn a sum of Rs. 75,000/- from the fund allotted for Indira Awas Yojna.

According to the FIR, the embezzlement was made during the period between 21.5.2007 to 30.5.2007. The F.I.R. appears to have been lodged on 9.4.2008.

Counsel for the petitioner submits that the petitioner is although an elected Mukhiya but she is not well conversant with the workings. It has further been submitted that the cheques book was used to be with the Panchayat Secretary. Counsel for the petitioner, referring to Annexure-3, submits that in fact on inquiry, the implication of the Panchayat Secretary was found in fraudulent withdrawal of the amount and as such he was relieved of his post as Panchayat Sewak of the Panchayat in question. Counsel for the petitioner orally submits that subsequently the aforesaid Panchayat Secretary has been suspended.

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Referring to Annexure-4, it has been submitted that in fact the petitioner also lodged a complaint in the Court of Chief Judicial Magistrate, Bettiah against the aforesaid Panchayat Sewak for having interpolated and put his signature on the cheques and having withdrawn a sum of Rs. 75,000/- for which she is now being prosecuted. It is further submitted that she is in custody since 6.11.2008.

Having regard to these facts, this Court is inclined to admit the petitioner to bail.

Let the petitioner abovenamed be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Bettiah, in connection with Gaunaha P.S. case no. 08 of 2008 subject to the following conditions:

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(i) The petitioner shall deposit a sum of Rs. 10,000/- (ten thousand) in the Nazarat of the Court and produce document in support thereof without prejudice to her defence which she may take . The said amount shall remain in the court until the trial is concluded.

(ii) One of the bailers should be the husband of the petitioner.

pkj **(Kishore K. Mandal, J)**

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